

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

February 10, 2003 LB 119, 138

those in favor vote aye; all opposed vote nay. Record, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 119.

SENATOR ENGEL: The bill is advanced. Next item, Mr. Clerk.

CLERK: Mr. President, LB 138, a bill by Senator Schrock. (Read title.) Bill was introduced on January 10 of this year, referred to the Health and Human Services Committee, advanced to General File. I do have committee amendments. (AM0088, Legislative Journal page 332.)

SENATOR ENGEL: Senator Schrock, you are recognized to open.

SENATOR SCHROCK: Mr. President, members of the Legislature, LB 138 modifies the Uniform Anatomical Gift Act previously modified and adopted by Nebraska. The current statutes are flawed for the purpose of medical use of donated organs and should be changed. This legislation is known by advocates as first person legislation, because it legitimizes the donor's gift on its own right. The key element of this bill is it removes the requirement for consent of next of kin in order for a gift to be effective. I would urge you to check your driver's license. On the back of it, it will say if you are a donor or not. Mine happens to say that I am a donor. Most persons who have signed up as donors probably don't realize someone else's consent was required in order for their gift to be effective. So, upon the death of somebody who is a donor, next of kin has to be notified and next of kin has to give consent. The current statute invites the gift to be invalidated by requiring a decision and consent of the bereaved at the time of their loss, in a critical time frame for the utilization of donated organs. In other words, time is of essence. This sets the minimum age for making an anatomical gift at age 18; allows the next of kin to make a donation on behalf of the deceased, unless they've given some expression of intent not to donate. LB 138 facilitates the effectiveness of donations by driver's license documentation. When contacted last spring about this by a man in my district who, by the way, received a double lung